

ATTACHMENTS

Attached hereto is a declaration of the inventor, James D. Hooberman, filed under 37 CFR 1.131 stating prior invention relative to cited reference U.S. 6,678,215 B1 (Treyz et al.).

Attached hereto is a copy of priority filing U.S. provisional application Serial No. 60/181,648 filed February 10, 2000. This true copy is submitted as a courtesy to the Examiner.

REMARKS

This amendment is submitted in response to the Office Action mailed February 24, 2005. Based on the attached declaration and the following remarks, it is submitted that pending claims 1-6 and 8-10 are now in allowable form. Currently, the specification stands objected to with respect to informalities found on page 2, lines 21-22 and page 3, lines 16-18. Applicant submits that the above amendments to the specification provide greater clarity with respect to these informalities. Additionally, claims 8-10 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite in regard to "said auditory alarm signal" lacking antecedent basis. To this end, claims 8 and 9 have been rendered in independent form through incorporation of the limitations previously presented in independent claim 7. As such, Applicant submits that the rejection of claims 8-10 under 35 U.S.C. §112, second paragraph, has now been overcome.

Currently, claims 1, 2-4 and 6 stand rejected under 35 U.S.C. §103(a) over Treyz (U.S. 6,678,215) in view of Schulz (U.S. 3,576,185). Claim 5 stands rejected under 35 U.S.C. §103(a) over Treyz in view of Schulz and further in view of Adatia (U.S. 2003/0112262 A1). Lastly, claims 8-10 stand rejected under 35 U.S.C. §103(a) over Treyz in view of Nohara (U.S. 5,699,323).

Treyz et al. (U.S. 6,678,215 B1) has a priority date based on provisional application 60/173,247 of December 28, 1999.

The declaration attached hereto by the inventor of the above-referenced application claims a reduction to practice prior to December 28, 1999. Since the claims currently pending are supported by the disclosure in the priority document for the pending application, namely, U.S. provisional application 60/181,648, it is submitted that Treyz et al. is not prior art to the pending claims and as such withdrawal of the rejection as to pending claims 1-6 and 8-10 under 35 U.S.C. §103(a) that relies on Treyz et al. as a primary reference is solicited.

Summary

Claims 1-6 and 8-10 are pending in this application. In light of the attached declaration under 37 CFR 1.131, it is submitted that all the pending claims are directed to allowable and patentable subject matter. Allowance of these claims and the passing of this application to issuance are solicited. Should the Examiner find to the contrary, it is respectfully requested that the undersigned attorney in charge of this application be contacted at the telephone number given below.

Respectfully submitted,



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DATE OF DEPOSIT June 24, 2005

I hereby certify that this paper or fee (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service "Express Mail Post Office To Addressee" Service under 37 CFR 1.10 on the date indicated above and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Janice R. Kuehn
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